
Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

RICHARD MITCHELL,

Plaintiff,

vs.

No. 4:23-cv-00138-GAF

THE DIEZ GROUP, LLC d/b/a DIEZ

GROUP, et al.,

Defendants.

REMOTE DEPOSITION OF RYAN A. VESTAL, a

Witness, taken on behalf of the Plaintiff before

Nissa M. Sharp, CSR No. 1365, CCR No. 528, pursuant

to Notice on the 13th of December, 2023, with all

parties, including the witness, appearing via mobile

videoconference.



11880 College Blvd., Suite 405
Overland Park, KS 66210

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APPEARANCES

APPEARING FOR THE PLAINTIFF VIA MOBILE
VIDEOCONFERENCE:

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ALSO PRESENT:

Mark Roseman, The Diez Group HR



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1 day brings.

2 Q. Mr. Vestal, who do you report to at
3 The Diez Group?

4 A. I report to Joe Jezioro, he's my boss.
5 Plant manager.

6 Q. And where physically within Kansas
7 City is The Diez Group located?

8 A. It's off of -- it's down just north
9 of -- it's just down in North Kansas City right off
10 400 Atlantic Street.

11 Q. Could you give me a high level summary
12 of what The Diez Group does?

13 A. Basically we make all -- we have two
14 blanking presses here. We blank inner fenders, inner
15 doors for Ford Motor Company.

16 So a blanking press entails several
17 pieces of equipment together that runs as one, and we
18 drop parts on a pallet and those pallets go over to
19 Ford Motor Company and then they stamp them into what
20 they want, inner doors, fenders.

21 Q. And the parts that The Diez Group
22 creates or uses the blanking presses on, are those
23 sent to the Ford Motor Company plant location here in
24 Kansas City?

25 A. Yes.



1 Q. Split his shift so that he could do
2 training on days, I take that to mean that you had
3 him working some hours during the day shift for
4 purposes of training, and then continuing to work
5 into what would typically be night shift hours; is
6 that correct?

7 A. Yes.

8 Q. What kind of training -- well, let me
9 back up.

10 What position did Richard Mitchell
11 hold with The Diez Group?

12 A. He was a maintenance tech for night
13 shift.

14 Q. And what kind of training do
15 maintenance techs receive after they're hired?

16 A. Well, it depends on their knowledge,
17 on what they know and what they don't know. I don't
18 have an issue training people.

19 Q. What do you recall about
20 Mr. Mitchell's knowledge?

21 A. His knowledge wasn't very extensive.
22 His résumé said otherwise.

23 Q. And what leads you to say his
24 knowledge wasn't very extensive? Can you explain why
25 you said that?



1 A. Because it said, on his résumé, it
2 said he had quite a few of -- he had electrical
3 knowledge and I didn't see any electrical knowledge
4 at all, and I actually -- we worked with him and
5 tried to train Richard on how to run conduit and he
6 still couldn't get it.

7 Q. And, I apologize, you are dealing with
8 someone who has almost zero technical knowledge or
9 experience, I understand that conduit has something
10 to do with electrical work. But could you give me
11 just a little bit more of an explanation of what
12 running conduit means?

13 A. Well, basically when you run conduit,
14 you're running a circuit which has three wires in it.
15 Those wires are color coded. This is a basic
16 maintenance department knowledge for anyone that's
17 ran -- I mean, anybody that's been in the maintenance
18 department. And by Richard's résumé, by what I saw
19 on here, he should know how to run conduit.

20 But I was working with him, showing
21 him how to run conduit.

22 Q. A couple times you've referred to "we"
23 when you were discussing training. Is there anyone
24 other than yourself who would provide training to
25 Mr. Mitchell?



1 A. Yes. Yes, I had a maintenance
2 supervisor at the time, Matt Barker.

3 Q. What were Matt's job duties as the
4 supervisor?

5 A. Basically to oversee the techs to make
6 sure they're doing their job in the most efficient
7 way.

8 Q. Do you recall at the time that
9 Mr. Mitchell was working for The Diez Group, do you
10 recall the names of your other maintenance
11 technicians at that time?

12 A. Yes.

13 Q. What were their names?

14 A. Mitch Gruis, Michael Doureing, and of
15 course Matt Barker.

16 Q. How long had Mitch Gruis worked for
17 the company at the time Mr. Mitchell was there?

18 A. I'd have to look it up, I don't recall
19 at that time. I don't recall.

20 Q. What about Michael Doureing? Do you
21 recall about how long he had worked for the company
22 at the time?

23 A. I don't recall that either, I'd have
24 to look it up, ma'am.

25 Q. Same question for Matt Barker.



1 Q. And so I appreciate what you mean that
2 you're on-call, but I guess my question's a little
3 different. Do you typically schedule yourself to be
4 physically working at the facility during the night
5 shift?

6 A. No.

7 Q. Mr. Vestal, when Mr. Mitchell began
8 working for The Diez Group, other than kind of the
9 areas of knowledge that you've referenced with the
10 conduit, were there any other areas of knowledge that
11 you felt Mr. Mitchell was lacking in or that he
12 needed --

13 A. Yeah.

14 Q. Okay. Can you tell me what those
15 were?

16 A. There was actually lack of knowledge
17 of mechanical, technical, electrical of course. I
18 mean, I didn't see any knowledge in anything that
19 even remotely reflected his résumé.

20 Q. Do you recall what his job experience
21 was? Because you've referenced his résumé a couple
22 times, do you remember what it was on his résumé
23 that, what positions, that made you think he would
24 have different knowledge than what you observed?

25 A. Well, he worked for General Electric



1 Aviation and then he also worked for Toyota Logistics
2 Service. He also was a quality engineer at Kaizen.
3 Also, he was a production and rail supervisor in 2000
4 to 2006. He was also in the US Army and the Coast
5 Guard, aviation machinist mate. What else? He also
6 has a Bachelor's degree in science and associated
7 science.

8 These are the things that were on his
9 résumé. I think he actually went to Purdue, that's
10 what it says.

11 Q. So I want to go back to I think the
12 first example you gave me, kind of an area of
13 knowledge that you believed to be lacking for
14 Mr. Mitchell was mechanical knowledge. And can you
15 explain or give me an example of what led you to
16 believe that?

17 A. Anything that I asked Richard to
18 repair or do, he struggled with. Usually it entailed
19 Richard standing there watching somebody do it, and
20 this happened time after time. So it's just any job
21 that I gave Richard to do, it was like he couldn't
22 complete it, so.

23 Q. Could you give me an example of, kind
24 of, a mechanical repair that you recall him
25 struggling with?



1 A. I think the first week, the first week
2 we had a bolster table that we had to rerun air lines
3 on and I put Richard on it, it was a real easy task.
4 And I ended up finishing the air lines myself as
5 Richard watched me, so I showed him how to do it.
6 And this was a continuous process with Richard.

7 Q. How long did you have Mr. Mitchell
8 splitting shifts for purposes of training?

9 A. For 3 weeks. Three weeks.

10 Q. After those 3 weeks, did he transition
11 to solely working on the night shift?

12 A. Yes, he did. Yes, he did.

13 Q. How many maintenance technicians were
14 typically scheduled to work the night shift at any
15 one time?

16 A. Two.

17 Q. And if you weren't physically present
18 during the night shift, who were maintenance
19 technicians supposed to go to with any issues?

20 A. Mainly Michael Doureing. Michael
21 Doureing is a -- he's a qualified technician. He was
22 one of my more qualified guys on night shift.

23 Q. Other than the 3 weeks of split shift,
24 I guess what I would describe, you know, hands-on
25 training, do you know what other kind of training



1 Do you recall attending a meeting with
2 Mr. Mitchell, Matt Hunt and Sharon Melvin?

3 A. Yes.

4 Q. And the first in the section next to
5 your name states, "Performance is not where it needs
6 to be at this time for Delaco. Not working nights,
7 per his offer letter that he signed. At witts end,
8 put are words in my mouth, not happy with
9 performance."

10 Did I read that correctly?

11 A. Yes, ma'am.

12 Q. And do you recall discussing those
13 topics during this meeting?

14 A. Yes, I do.

15 Q. And do you recall why you said
16 something about put words in your mouth? Do you know
17 what that refers to?

18 A. Because basically Richard would miss
19 time and then the next day he would say you said this
20 and you said that, when nothing like that was said.
21 There was several times that Richard called in and
22 didn't call in, and then he would say remember you
23 told me this, you don't remember that, you don't
24 remember telling me this, when I know that nothing
25 like that was said.



1 Like going to nights, he said or
2 staying on nights, he's like remember you told me I
3 could stay on nights, and I never once said he could
4 ever stay on nights -- or stay on days, I mean, that
5 11 to 3:00 shift is what I mean. Or 11 to 9:30,
6 sorry, 11 to 9:30 shift.

7 Q. And do you recall whose idea it was to
8 schedule this meeting?

9 A. I think it was Matt Hunt's. I relayed
10 the information to Matt Hunt on what was going on
11 with Richard and Matt Hunt scheduled it and he ran
12 the meeting also.

13 Q. What was Matt Hunt's title?

14 A. He was plant manager.

15 Q. Underneath that section that we just
16 looked at next to your name, that first section, the
17 next one next to Richard's name states, I made
18 arrangements so I'm working -- I can't read that
19 other part there -- but can work nights. Me and
20 James fixed the back door. He went to get parts.
21 Richard was calling to James. Went to voicemail.

22 Other than the part that I couldn't
23 read, did I read that correctly?

24 A. Yes.

25 Q. And do you recall what Richard was



1 referring to there about --

2 A. I don't recall.

3 Q. -- couldn't come back to work? Okay.

4 A. I don't recall.

5 Q. The next section next to your name
6 states, "Why are you sending pictures to Sharon and
7 not me? I am your boss not Sharon."

8 Did I read that correctly?

9 A. Yes.

10 Q. And do you recall how that came about
11 or what you were referring to there?

12 A. Well, Richard was reporting to HR and
13 not reporting to his -- to me, which I'm considered
14 his boss. He would call in to Sharon and then I
15 wouldn't find out till Sharon would notify me that
16 Richard was not coming in. So he would send pictures
17 of work he did at night to Sharon, just different
18 things like that. He never reported to me anything.
19 He never sent me photos of anything. He mainly spoke
20 to Sharon 90 percent of the time.

21 Q. And it looks like if we go to that
22 next section next to Richard's name, "I wanted to let
23 her know what I was doing."

24 Did I read that correctly?

25 A. Yep.



1 A. Yes, ma'am.

2 Q. And is this an example of what you
3 just referenced about documenting a performance issue
4 by email to Sharon?

5 A. Yes.

6 Q. And here in the text of the email,
7 you're referencing night of April 18, 2022, that he
8 was instructed to run conduit, and I take it from
9 reading this email that you were not satisfied with
10 the conduit that Richard ran after his shift; is that
11 correct?

12 A. No. I was not.

13 Q. And what was the issue with the
14 conduit? Was it the amount? Or the quality of the
15 work? What was it?

16 A. The lack of completing anything. Two
17 10-foot of straight sticks should take maybe only 20,
18 30 minutes, not a 8-hour shift or a 10-hour shift.

19 Q. There's also a reference in this email
20 to a G man lift. What is that?

21 A. It's a Genie lift. It's an
22 articulating lift.

23 Q. Was that another piece of equipment
24 that The Diez Group provided training to employees to
25 certify them to use?



1 A. Yes.

2 Q. And to your knowledge -- or let me ask
3 it this way. To your recollection, was this the only
4 performance issue that you recall documenting for
5 Richard Mitchell by --

6 A. Yes.

7 Q. -- email to Sharon Melvin?

8 A. Yes.

9 Q. I'll stop sharing my screen.

10 MR. FINKEL: Clarification, counsel,
11 are you introducing that as an exhibit?

12 MS. PAULUS: I did. I introduced it
13 as Plaintiffs Exhibit 2.

14 MR. FINKEL: I don't think you
15 introduced the 4/19 notes. Is that your intention to
16 introduce as that Exhibit 1?

17 MS. PAULUS: Yes. I believe that I
18 did.

19 MR. FINKEL: I don't believe so, but
20 that's fine.

21 BY MS. PAULUS:

22 Q. Mr. Vestal, in the email that we had
23 just looked at, there was a reference to Richard
24 Mitchell sending you a text message; is that correct?

25 A. Yes. Richard had sent me text



1 messages in the past. Yeah.

2 Q. What kind of text messages do you
3 recall Richard Mitchell sending you?

4 A. I don't recall right offhand. It was
5 work related.

6 Q. And, at some point, Mr. Mitchell
7 reported that he had become injured on the job; is
8 that correct?

9 A. I believe so. He never reported that
10 to me.

11 Q. What was the procedure that employees
12 were supposed to follow for reporting workplace
13 injuries At the Diez Group?

14 A. Well, they would have actually got the
15 production supervisor or actually text my cell phone.
16 I tell my guys if they need anything, they can
17 contact me at any time. But there was nothing
18 reported.

19 Q. I just want to break that down. So
20 you said one part of that procedure would have been
21 to report it to did you say the production
22 supervisor?

23 A. Yes. Or myself through my cell phone.

24 Q. And why would employees report
25 injuries to the production supervisor?



1 A. That's correct.

2 Q. In your time at Diez Group, have you
3 had any maintenance technicians report to you who
4 have reported workplace injuries other than Richard
5 Mitchell?

6 A. Nope.

7 Q. And so how did you become aware of
8 Mr. Mitchell's reporting of a workplace injury?

9 A. Through HR.

10 Q. And was that a conversation that you
11 had with Sharon Melvin?

12 A. Yes.

13 Q. Was that an in-person conversation?

14 A. I believe that was over the phone.
15 And in person I believe, actually, both.

16 Q. And what do you recall Ms. Melvin
17 telling you about Mr. Mitchell's injury?

18 A. That Richard had hurt his back pulling
19 on paper and that he was going to the clinic.

20 Q. What does "pulling on paper" mean?

21 A. They have to cut the paper off the
22 coils. They just unwrap it.

23 Q. Do you recall if Ms. Melvin indicated
24 in her conversation with you when Richard Mitchell
25 had suffered this injury?



1 A. I really didn't get an exact date on
2 when Richard got hurt. I heard several different
3 dates.

4 Q. And who did you hear several different
5 dates from?

6 A. I heard that from Sharon actually,
7 that he didn't know exactly when he hurt himself.

8 Q. I just want to understand, was that
9 something that Sharon told you during that initial
10 conversation when she informed you that he had
11 reported an injury and that he was going to the
12 clinic? Or did that occur in a later conversation?

13 A. In a later conversation. I was
14 actually trying to fill out an accident report, but
15 we didn't have an exact date when Richard got hurt.
16 He couldn't give us the date.

17 Q. Did you ever have a conversation with
18 Mr. Mitchell about his workplace injury?

19 A. After that, I never saw Richard.

20 Q. So just going back to the timeline,
21 you recall Ms. Melvin having a conversation with you
22 to inform you that Richard Mitchell had reported a
23 workplace injury, that he was going to the clinic.

24 Do you recall anything else that she
25 said during that initial conversation?



1 A. I don't recall anything.

2 Q. What's the next communication you
3 recall having with Ms. Melvin about Richard
4 Mitchell's workplace injury?

5 A. I don't recall. I don't think we
6 discussed it after that.

7 Q. Did Ms. Melvin let you know that he
8 was going to be off for a period of time? Or did she
9 give you --

10 A. Yes.

11 Q. -- kind of an update of when he would
12 work?

13 A. He was on light duty of course, she
14 told me that, yeah. Not light duty, but he was on
15 restrictions.

16 Q. Do you recall, did she, did
17 Ms. Melvin, give you an indication of how long those
18 light-duty restrictions were expected to apply?

19 A. No.

20 Q. And did The Diez Group have light duty
21 work available at that time?

22 A. No. Operating the crane would have
23 been the lightest duty we have.

24 Q. And since you've worked for The Diez
25 Group, do you recall any time that the company has



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1 Q. To your knowledge, who made that
2 decision to terminate his employment?

3 A. That would be Matt Hunt, the acting
4 supervisor or acting plant manager at the time.

5 Q. And do you recall how you became aware
6 of the decision to terminate Richard Mitchell's
7 employment?

8 A. Someone had informed me that they
9 terminated him.

10 Q. And do you recall who that someone
11 was?

12 A. I do not recall exactly who that was.

13 Q. And what was your understanding of the
14 reason why Mr. Mitchell's employment was terminated?

15 A. I would say it was probably because of
16 the job performance, but, I mean, it wasn't my doing,
17 so.

18 MS. PAULUS: Mr. Vestal, I think I'm
19 almost finished. I'm just going to take a quick
20 break just to go through my notes, but I don't
21 anticipate having a whole lot more for you.

22 So let's just take 5 minutes and come
23 back and I'll finish up anything that I have left.
24 Okay?

25 THE WITNESS: All right.



1 A. Yes, he did.

2 Q. Can you explain what happened there?

3 A. We decided to go ahead and give
4 Richard a maintenance test.

5 Q. When did you do that?

6 A. It would be after the 27th of April is
7 when we decided to give him a maintenance test.

8 Q. Why did you decide to give him a
9 maintenance test?

10 A. Because his performance just wasn't
11 where it needed to be.

12 Q. What was the result of the maintenance
13 test? Did he pass it?

14 A. No. He failed miserably. He scored a
15 45 percent on it. No, 43.

16 Q. All right. Did you have any
17 discussion with anybody regarding Mr. Mitchell's
18 termination?

19 A. I mean, I think we talked about it up
20 here, but, I mean, I --

21 Q. Who's "we"? And who are you talking
22 about?

23 A. I think Sharon Melvin --

24 Q. Okay. All right.

25 A. -- and I discussed it privately.



1 Q. Did you ever make any recommendation
2 or no recommendation or have any --

3 A. I did have a recommendation that --

4 Q. Let me finish the question --
5 recommendation regarding his termination?

6 A. Yes. Yes, I did.

7 Q. Okay. And tell me what your
8 recommendation was.

9 A. My recommendation was to let him go.

10 Q. Okay. And when was that
11 recommendation made?

12 A. Prior to Richard's getting injured.

13 Q. Okay. And to whom did you make that
14 recommendation?

15 A. The plant manager.

16 Q. Mr. Hunt?

17 A. Yes.

18 Q. Okay. In Mr. Mitchell's deposition,
19 on Page 29 of his deposition, I asked a question of
20 Mr. Mitchell about training and he was talking about,
21 and let me quote on Page 29, did you have any -- well
22 let's see. A conversation with Matt Barker, the guy
23 you're talking about Matt Barker, yeah, okay.

24 And then Mr. Mitchell answered: He
25 came to me, he gave me a letter that was written by I



1 guess I don't know it was written by him because the
2 signature line was with his name on it.

3 And question yeah. And then answer
4 Mr. Mitchell: They told me I needed to run a conduit
5 all through the building within 8 hours and I was
6 telling them I said why are you asking or why are you
7 all asking me to do it when you all have people
8 that's trained that's actually here. There's here
9 pipe benders that can do the job. His words was to
10 me, man, I mean, Ryan told me to tell you to do this.
11 And I said I don't do pipe bending, I said, but I
12 could do electrical like doing the wires. So they
13 still put it on me to do it so I did my best.

14 Did you ever tell Matt Bender to do
15 that?

16 A. To do -- you mean as far as give him
17 direction?

18 Q. No, to the people that's trained for
19 the pipe benders to do the job on the conduit.

20 A. No. No. I actually sent Matt out
21 there to help him and several people helped him.

22 Q. All right. I don't remember if this
23 was asked or answered, but did you ever email or text
24 Mr. Mitchell on your cell phone?

25 A. Yes.



1 Q. Okay. And then approximately how many
2 times have you done that?

3 A. Oh, quite a few times. Probably more
4 than I count on both hands.

5 Q. So is it more than 10?

6 A. Yeah. I would say more than 10.

7 Q. Okay. Was it more than 20?

8 A. No.

9 Q. Okay. Okay, fine.

10 A. Because Richard got to where he would
11 not communicate.

12 Q. Okay. On direct exam you said that
13 the foreman's office is in the center of the plant;
14 is that correct?

15 A. Yes.

16 Q. Okay. And you said that's where the
17 production managers are?

18 A. Yes.

19 Q. Their offices?

20 A. Yes.

21 Q. Are the maintenance managers' offices
22 there also?

23 A. Yes.

24 Q. Okay.

25 MR. FINKEL: Nothing further.

